G. R. S. 58]

Previous references.
File No. 620 of 1905-06. §§ 1-3
SDA 66-15 §§ 1-4, B. March 16.
SDA 98-14 §§ 1-3, B. Nov. 14.
SDA 305-13 §§ 2, B. Feb. 14. (SDA)
~~*Later references.*~~
SDA 122-11 §§ 1-4, B. Oct. 11
L.R. 119-09 §§ 5 & 6, B. Feb. 10.
L.R. 119-09 §§ 1-4, Jan. 1910.

File No. 331-15

1915-16

Serial Nos. 1, 2, 3

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1. 2

Part B for August 1916.

SUBJECT.

Scope of Art. 458. Mysore Service Regulations—

§ 1. Proposal—

Requests to be informed of the correct interpretation of Art. 458, M. S. R.

§ 2. Hd. order:—

States that an officer under orders of retirement cannot be given privilege leave under Art. 458 M. S. R. if there is no chance of his being able to serve for at least three months after return from such leave, if granted.

W. P. 1351—GPB—20,000—13-12-15

hit 10/11/16.

GENERAL AND REVENUE SECRETARIAT.

(S & A)

NOTES.

File No. 331-15

FILE HEADING.

Scope of Art 458, Mis. R.

From

No.	Dated	Received

Diary No.	Enclos.	Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

Vide S & A 305-13 Pt. 1 & 2, B Feby 1914

Draft circular as per orders in para 9 above is submd.

PM 2.38
14.3.14

2. Please submit revised draft

14.3.14

NOTE—Contn. sheet.

GPB—60,000—7-11-13

RJN

G. R. S. 12]

General and Revenue Secretariat.

311

S.La File No. 305 of 1915. ~~1913.14.~~

Serial No.

3. Revised draft subd.
PM 2.38 W
16.3.14.

Please revise as per

4. Revised draft subd.
PM 2.38 W
17.3.14

Please see alterations & remarks on the margin of the draft

2) If the order is to come at all I should make it a note under the article in the MSR.

RdR

NOTE—Contn. sheet.

GPB—60,000—7-11-13

G. R. S. 11] 1915-16

GENERAL AND REVENUE SECRETARIAT.

(Sec.)

NOTES.

File No. 331.

FILE HEADING.

Scope of art: 458 of the Mysore Service Regulations.

From The Dy. Commr, Shimoga Dt.

No. 474 / H 18 137/7 Dated 23-6-14 14-9-15. Received 24-6-14 15-5-15.

Diary No. 52 | 642-855. Enclos. | Spare Copies. | Serial No. 1[illegible]

BRIEF ABSTRACT OF LETTER.

Requests to be informed of the correct interpretation of art: 458. M. S. R.

NOTES AND ORDERS.

1) 6. In connection with the grant of pension to K. Narayappa late Sheikdar Sagar Taluk. the H Asst Secretary Mr. T. L. N. Rao. remarked as follows: —

NOTES—First Sheet.

GPB—20,000—8-8-14

G. R. S. 12]

General and Revenue Secretariat. | Sta File No. 331 of 1915-16

Serial No.

"Evidently as the age of the man was 59, he was under a years extension of service and the Dy comm^r should have known when his service would terminate. The grant of privilege leave Therefore under these circumstances is irregular. x x x x. x ✓
As such cases are getting frequent of late if approved, a general circular order explaining the art: clearly to all concerned will be proposed."

W (7) Accordingly a draft circular was proposed and submitted to H. Sec^y. who remarked as follows: —

"Please see alterations and remarks on the margin of the draft. If the order is to issue at all I should make it a note under the art in the M. S. R."

The proposed circular interprets the art: 458. as follows: —

"When the date of termination of service of an officer is definitely known beforehand, it is irregular to grant privilege leave within 3 months of that date under any circumstance, whether the officer himself voluntarily retires

NOTE—Contn. sheet.

GPB—20,000—30-6-15

Serial No.

retires or is compulsorily retired under the rules"

8) The 1st member and the late Dewan Mr. T. Ananda Rao are not agreeable to this interpretation. The 1st member has noted "Art: 214 (209 of the present edition) allows privilege leave being given to such men. Art: 460 (458 of the present edition) requires a declaration to be made but the declaration is that the officer himself will not exercise his option to retire (if he has it under the Regns)."

C. (Vide para 7 of the notes in Sta 122 of 11) Mr. T. Ananda Rao has stated "it is only reasonable that an officer should have at least 3 months' notice before he is retired. It must be privilege leave as the retirement is by order of Govt and not voluntary" (Vide page 4 of the notes in L. R. 119 of 1909.).

P (9) On the Madras Supplement page 124, the following note is made under C.S.R. 826 rule 1. corresponding to M.S.R 458 rule 1.

"The rule applies to cases where an officer rejoins with the intention of retiring also."

GPB—20,000—30-6-15

G. R. S. 12]

General and Revenue Secretariat. | S 2a File No. 331 of 1915-16

Serial No.

Subd for orders.

DMc 7-10-15. (10) The object of article 458 is that ordinarily an officer going on Privilege Leave should serve Govt for at least three months after his return to Duty. The grant of Privilege leave is intended to make the officer better able to discharge his Official duties and if there is no chance of his doing so, there is nothing to be gained by the grant of such leave to him. The period of three months should therefore be considered to apply to cases where an officer is obliged to retire ~~on~~ under the orders of Superior Authority also. It is not very material ~~what~~ whether the retirement is voluntary or compulsory so long as it is known at the time the leave is granted. If ~~anything~~ the orders directing retirement are issued after ~~the order sanctioning~~ the leave is sanctioned & while the limit of three months would not apply. But where at the time leave is to be granted, there is an order directing the retirement of the officer within three months, leave will have to be declined ordinarily. Yesr/11/15) I agree with ASS Fin. 10.10.15

C. 144

NOTE—Contn. sheet.

GPB—20,000—30-6-15

12.7) Drafting 4/11

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G. R. S. 12]

General and Revenue Secretariat.

S+R File No. 331 of 1915-16.

L S
II 1.

761

Serial No. 13

1) Draft subs.

2) [illegible] (Secy)
12.11.15.

12
30/11/15

10) [illegible]

14 1 Member)

15. M) Art. 161 seems to show that privilege leave is earned by previous service. It can hardly be correct to say that the object of art. 458 is that an officer shd serve after his return for any definite period. I have in another file raised the question that pr. leave earned may be given at any time without restriction. Please put the two files together.

12) Either art. 458 may be altogether expunged or that it may be interpreted only with reference to the officer's personal intention.

[signature]
7/1/16

15
16 M) With refce to the remarks in para

NOTE—Contn. sheet.

GPB—20,000—30-6-15

853

(6

● . R. S. 12]

General and Revenue Secretariat. | Sta File No. 331 of 1915-16.

Serial No.

Sta file No. 66 of 15 (861-4) is put up. It is therein stated that "the question raised about abolishing the restrictions on privilege leave will be separately considered."

Subd.
20.3.16. FL (Sec?).

21/3/16

17. I adhere to the opinions expressed in the F.D. note of 19.10.15, & my note in those notes dated 8.1.16 in the file below—

28/3

18. I see no reason to alter my opinion either.

31/3/16

1467

5301.
4.4.16

19 Both the questions may be discussed at a meeting of Council.

Gilbert) 10.5.16.

NOTE—Contn. sheet.

GPB—25,000—2-11-14

Extract from the Proceedings of the 391st Meeting of the Council of His Highness the Maharaja, held at Bangalore, on the 3rd August 1916.

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2. SUBJECT.-(Clause viii of the Schedule).

22

Question of removing the restriction imposed by articles 175 and 458 485 of the Mysore Service Regulations on the grant of privilege leave.

OPINION OF THE COUNCIL.

21 No privilege leave may be allowed preparatory to retirement whether voluntary or compulsory.

(sd) M. Visveswaraya,
Dewan of Mysore.

24

"EXTRACT"

D. M. Narasimha Rao

Secretary to Government,
General Department.

WD—156—GPB—1,000—19-7-16.

8

G. R. S. 12]

General and Revenue Secretariat. | S+A File No. 331 of 1915.

Serial No.

25

22- Extract from the Proceedings of the Council is put up.

Forwarded with compliments to the Secretary to Government, Financial Department, for favour of necessary further action.

By Order

D. M. Narayana Rao 4/V

Secretary to Government,
General Department

Ms Fin

23- Please put up D.S.N. and take necessary action on reply from Dy Comr Shimoga.

HPB

Subt with a D.S.N & draft reply.

Tidy case may be put up

10/8/16

Tidy D.S.N & draft reply are put up

1090 21-8-16

B.

NOTE—Contn. sheet.

W D 2382—GPB—500—20-3-16

Submitted to His Highness.

25 Article 175, Mysore Service Regulations, denies privilege leave to one who is about to retire and lays down that the right to receive privilege leave allowance is contingent upon the return of the officer to duty after such leave and Article 458 requires a declaration from an officer applying for privilege leave that he has no intention of retiring or taking other leave fo three months after return from privilege leave.

B 2. The late First Member Mr. Nanjundayya questione the justification of these restrictions and suggested that as privilege leave is earned by past service, its grant should not be fettered by such restrictions (S.&A. File No.66-15). The Deputy Commissioner, Shimoga District, also raised a similar question and wanted to know if the restriction of Article 458 applies to cases where officers are due to retire by order of superior authorit though they themselves do not intend to retire.

3. It is explained by the Financial Secretary that the object of granting privilege leave is that the officer should thereby recoup his health and energies and be able to discharge his duties with renewed vigour, both physical and mental, after return from such leave; that for this reason, privilege leave preparatory to retirement is not given and that it is a very sound principle and its abandonment is not desirable from the point of view of efficiency of the public service.

4. The question was considered by the Council who are of opinion that no privilege leave may be allowed preparatory to retirement whether voluntary or

Record of Cases submitted for the Orders of His Highness the Maharaja

Subject.

Question of removing the restriction imposed by Articles 175 and 458 of the Mysore Service Regulations in the matter of the grant of privilege leave.

217.

Order.

~~KRM~~
23/8/16

24.8.16

25/8 Letter to be issued

G. R. S. 12]

General and Revenue Secretariat. | File No. of 191 .

Serial No.	
3	Do The Deputy Commr., Shimoga Dist No Jdl 1246 dt 29-8-16. " " States that an officer under orders of retirement cannot be given privi leave under Art 465 M.S.R, if there is no chance of his being able to serve for at least 3 months after ret from such leave, if granted. Do The Comptroller— No Jdl 1247 dt 29-8-16. " " Forwards a copy of the above—

NOTE—Contn. sheet.

GPB—70,000—17-12-15

No. 474

Office of the Deputy Commissioner,

Shimoga District,

Dated Shimoga, 19th June 1914.

From

K.Matthan, Esquire., B.A.,

Deputy Commissioner,

Shimoga District.

To

J.S.Chakravarti, Esquire., M.A., F.R.A.S. etc.,

Secretary to the Government of Mysore,

Financial Department, Bangalore.

Sir,

I have the honour to request to be favoured with the instructions of the Government as to the correct interpretation of Article 458 of the Mysore Service Regulation, which lays down that an Officer applying for privilege leave must record a declaration that he has no intention of retiring for three months after his return to duty.

2. The question has arisen in connection with the following case:-

One Gunde Rao, Revenue Gumasta of Shikarpur Taluk, who was under orders of retirement with effect from the 4th October 1913, proceeded on five day's casual leave on the 2nd August 1913 on account of his brother's illness. Owing to his brother not getting better and eventually dying, the gumasta applied for privilege leave for a month and a half and returned to duty on the 23rd September 1913. The privilege leave was recommended by the Amildar, as the man had three month's privilege leave at his credit. On receipt of the leave application, the Sub-Division Officer ordered that the period of absence should be treated as leave without allowances on the ground that the grant of leave to an Officer, shortly to retire, was inadmissable under Article 458 Mysore Service Regulation . Against this

this decision, the gumasta (now retired) has a pealed to this Office.

3. The point, on which instructions are sought, is whether Article 453 applies to cases of compulsory retirement. In my opinion this article is intended to apply to cases of officers applying for retirement voluntarily. The article refers to the intentions of the Officer himself and not to those of his superiors and the word "though not absolutely debarred by this declaration from applying for permission to retire" seem to bear out this view. A contrary interpretation would also result in the unnecessary hardship of an official, who has privilege leave at his credit and is compelled to go on leave as in the present case on account of unavoidable necessity being required to take leave without allowances.

4. I request that a definite ruling on the point may be issued.

I have the honour to be,

Sir,

Your most obedient servant,

Deputy Commissioner,

Shimoga District.

B.B.

1915-16.

From

The Deputy Commissioner,

Shimoga District.

To

The Secretary to the Government
of Mysore,
Financial Department,
Bangalore.

Dated 13th September 1915.

Despatched

Received

General No. 137

K No. 7.

Enclosure No.

Invites kind reference to this office letter No. 474/Ft.18 dated 22nd June 1914 requesting to be favored with the instructions of the Govt. as to the correct interpretation of Art.458 M.S.R.

DIARY NO. 855

1915-16

SECTION SA

331-15

2

such leave, if granted.

I have &c.

No. 1247 & 29-876

List of enclosures.

Copied by

Examined by

GPB—20,000—14-2-14

Tidy draft

26/8

G.R.S. 26]

SUBJECT.....

.....

.....

Diary No. of letter replied to _

General and Revenue Secretariat

( )

, *the* *191* .

Date of issue 29 August 16

Signed by [illegible]

Section

File No.

Serial No. 3

No. H 1246

29 August 16

To

The Dy Commissioner,

Shimoga Dist

Sir,

With reference to your no. 471 of 7-8-18 of 19th June 1914 I am directed to state that an Officer under orders of retirement cannot be given privilege leave under Art 458, Mysr., if there is no chance of his being able to serve for at least three months after return from such

over.